

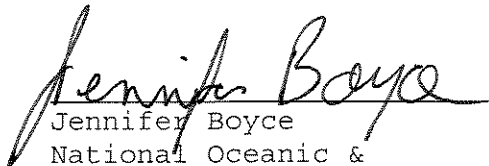
TRUSTEE COUNCIL RESOLUTION 05-2
ADOPTED 11-30, 2005

MONTROSE TRUSTEE COUNCIL RESOLUTION REGARDING
Funding for the Montrose Settlements Restoration Program:
Modifications to the 2005 MSRP Budget

1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in the Department of the Interior Natural Resource Damage Assessment and Restoration Fund (DOI Restoration Fund) and the registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process.
4. The Trustee Council adopted resolution 04-5 on December 16, 2004, amended on January 31, 2005, which approved planned expenditures for calendar 2005 for the Montrose Settlements Restoration Program (MSRP). Since the adoption of the 2005 MSRP work plan and budget certain changes in funding needs have been identified. Resolutions 04-5 and 04-5 amended contained a provision that, "Funds that are not completely exhausted by the end of a budget year may be used to cover execution of the approved program element in a subsequent budget year or, with additional Trustee Council approval, applied to other program tasks." This resolution concerns the latter of these provisions, applying available funds to other program tasks.
5. The MSRP staff have recommended that the Trustees obtain additional assistance from the restoration plan contractor, LBG/URS, for the editing and production of the final restoration plan EIS/EIR. Also, while the Trustees anticipate that the overall level of effort across all of the identified activities remains the same as it was in the original 2005 MSRP budget, the mix of labor hours and staff assigned to work on various tasks has changed since the original budget was approved.

6. The Montrose Trustee Council resolves unanimously to authorize NOAA to incur up to \$20,000 in additional costs for contractor assistance in the editing and production of the final restoration plan EIS/EIR, above and beyond the \$30,000 authorized in the 2005 MSRP budget. The Trustee Council further resolves unanimously to authorize each agency to apply 2005 MSRP advance funds that are not completely exhausted toward increased staff efforts within one or more of the already approved program tasks, provided that each agency's overall 2005 expenditures do not exceed their overall 2005 budgets as adopted and provided that such actions are determined by the agency to be consistent with the program tasks approved by the Trustee Council.
7. The effective date of the Resolution shall be the date on which the last trustee signs this document.

CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:


Jennifer Boyce
National Oceanic &
Atmospheric Administration

8/16/05
Date

James Haas
U.S. Fish & Wildlife Service

Date

Kate Faulkner
National Park Service

Date

Jonathan Clark
State Lands Commission

Date

Suzanne Goode
Department of Parks &
Recreation

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Suzanne Goode
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Department of Parks &
Recreation

9-1-05
Date



Patricia Velez
Department of Fish & Game

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Date